

FILED**United States District Court** AUG 23 2005MIDDLE

DISTRICT OF

ALABAMA

CLERK

U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA

v.

BILLY R. MERCER**CRIMINAL COMPLAINT**CASE NUMBER: 2:05mj100-CSC

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about December 19, 2003, in Autauga county and elsewhere within the Middle District of Alabama defendant(s) did, (Track Statutory Language of Offense)

knowingly and intentionally possess with intent to distribute
approximately 15.6 grams of methamphetamine, a Schedule II Controlled Substance,

in violation of Title 21 United States Code, Section(s) 841(a)(1) I further state that I am a(n)

High Intensity Drug Trafficking Area Agent and that this complaint is based on the following facts:

Official Title

SEE THE ATTACHED AFFIDAVIT WHICH IS INCORPORATED BY REFERENCE

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Signature of Complainant

Sworn to before me and subscribed in my presence,

August 23, 2005

Date

at Montgomery, Alabama

City and State

Charles S. Coody, U.S. Magistrate Judge

Name and Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT

Affiant, Joe Herman, being duly sworn deposes and says:

1. I am an Alabama State Trooper, assigned as an Agent for the Alabama Bureau of Investigation's Narcotics Operations Service, and detailed to the Major Investigation Team of the High Intensity Drug Trafficking Area Task Force (HIDTA), which are, both located at the Investigative Operations Center in Montgomery, Alabama. I am cross-designated and federally deputized by the United States Drug Enforcement Administration (DEA) which empowers him with authority under Title 21, United States Code. I have twenty-two years of law enforcement experience in which the past twelve have been extensively directed in narcotics investigations. The facts and information in this affidavit are based on my personal knowledge and the knowledge of other law enforcement officers.

2. On Sunday, October 10, 2004, Billy Ray Mercer was arrested at the Hampton Inn located on Cobbs Ford Road in Prattville, Alabama pursuant to an outstanding arrest warrant issued by the Municipal Court for the City of Millbrook. Mercer had obtained room 203 earlier that day. After Mercer's arrest, motel cleaning personnel and a security officer found two plastic baggies of suspected methamphetamine in a tissue dispenser in the room that Mercer had rented. Motel personnel then contacted the Prattville Police Department and reported their findings.

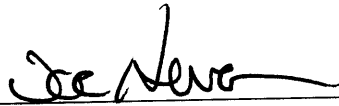
3. Prattville Police Officers J. E. Headley and D. Fowler responded to the motel to investigate the matter and subsequently obtained permission to search room 203, the room that Mercer rented. During that search Officer Fowler found a loaded .380 caliber Davis Industries semi-automatic handgun and a red zippered pouch under the bed. An

inspection of the red zippered bag disclosed that it contained a plastic zip lock baggie which further contained approximately 50 smaller plastic baggies that your affiant knows are commonly used to package methamphetamine for sale. Officer Headley took custody of the two plastic baggies of methamphetamine, the handgun and the red zipped pouch and its contents for safekeeping.

4. On Wednesday, October 13, 2004, your affiant, accompanied by Alabama Bureau of Investigation Agent Shawn Loughridge, interviewed Billy Ray Mercer at the Montgomery County Detention Facility. Your affiant advised Mercer of his rights as witnessed by Loughridge. Mercer acknowledged understanding his rights, waived his right to remain silent and agreed to answer questions. During that interview, Mercer said he had obtained a quantity of methamphetamine earlier that day and the methamphetamine found in Mercer's motel room was what he had left from that purchase.

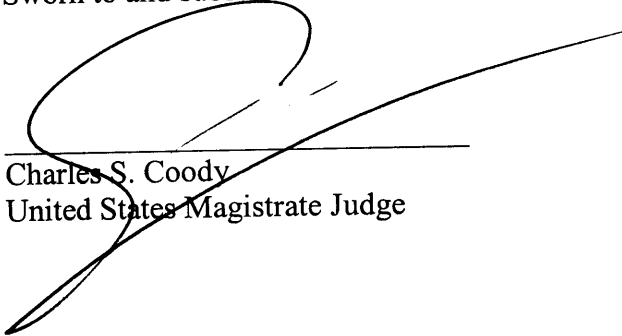
5. Your affiant next asked Mercer about the handgun that was found under the bed in his motel room. Mercer explained that the gun was not his, but that he got the gun and was going to give the gun to someone; however Mercer would not identify whom.

6. On Wednesday, October 13, 2004, your affiant took custody of the methamphetamine seized by Officer Headly from Mercer's motel room from Prattville Police Detective Jeff Hassell and submitted the exhibit to the DEA South Central laboratory in Dallas, Texas for drug identification testing. The Exhibit was processed by a Forensic Chemist and that analysis indicated the methamphetamine seized weighed 15.6 grams and was 50 percent pure d-Methamphetamine



Joe Herman, Agent
Alabama Bureau of Investigation

Sworn to and subscribed before me this 23rd day of August, 2005



Charles S. Coody
United States Magistrate Judge